

REMARKS

The following remarks are responsive to the Final Office Action, mailed October 20, 2011. No new matter has been added. The Examiner is encouraged to contact the undersigned at 858.314.1535 if there are any outstanding issues after this amendment. No new matter has been added.

35 USC § 112

Claims 1 and 16 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 1 and 16 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which application regards as the invention. In an effort to expedite allowance of the current application, the identified language has been stricken from the claims.

Accordingly, this basis for rejection should be withdrawn.

35 USC § 103

Claims 1-5, 7013, 16-20 and 22-24 stand rejected under section 103(a) as allegedly being unpatentable over Periyalwar (U.S. Patent No. 6,611,695) in view of Adachi et al. (US Publication No. 2003/0064752) and further in view of Goetz et al. (US Patent No. 5,327,143). These rejections are respectfully traversed.

For a proper rejection under 35 U.S.C. §103(a), the Office “bears the initial burden of factually supporting any *prima facie* conclusion of obviousness” and must therefore present “a clear articulation of the reason(s) why the claimed invention would have been obvious.” MPEP

§2142. An obviousness rejection “cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” MPEP §2141 quoting *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1386, 1385 (2007). This rationale must include a showing that all of the claimed elements were known in the prior art and that one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, to produce a combination yielding nothing more than predictable results to one of ordinary skill in the art. *KSR*, 82 USPQ2d at 1395. MPEP §2141.02 further notes that “a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). The rejections over the cited references fail to satisfy this burden with regard to the currently pending claims.

Notwithstanding, in order to expedite allowance of the current application, claim 1 has been amended to include features from claim 6 (which was indicated as being allowable) and claim 16 has been amended to include features from claim 21 (which was also indicated as being allowable). Based on these amendments, it is respectfully submitted that the application should be in condition for allowance.

Concluding Comments

It is believed that all rejections of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all

pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment. Applicant asks that all claims be allowed.

If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below. The Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 43273-505001US.

Respectfully submitted,

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